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ABSTRACT

The administration and activities of the American Indian Affairs Commission for the State of Nevada are covered in this fourth report, which also gives an accounting of funds for which the Commission is responsible. The report discusses problems in the following 5 areas: (1) national Indian policy; (2) jurisdiction of the Indian reservations; (3) public assistance for Nevada Indians; (4) population and income information; and (5) education and the Nevada Indian. Recommendations are made concerning Indian reservations, population and income, and education, including (1) that whatever degree of law and order authority over their reservations the individual tribes agree they can assume should be returned to them; (2) that tribal judges on Indian reservations be made justices of the peace in order that they may hear cases of non-Indians who are arrested for committing crimes on Indian land; (3) that the legislature initiate some controls for checks and balances to insure personal accountability of department heads and supervisors, especially in regard to equal employment opportunity; (4) that whenever an Indian tribe desires to be the agency to administer Johnson O'Malley Funds, the state contract directly with Indian Tribal Councils to administer such funds; and (5) that courses related to Indian culture and arts, Indian tribal law and government, and Indian history be added to the public school curriculum. (FF)

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REPORT TO THE GOVERNOR AND THE LEGISLATURE

by the

NEVADA INDIAN AFFAIRS COMMISSION

for the period

1 July 1968 thru 30 June 1972

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SCHURZ, NEVADA
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ROSS MORRES
EXECUTIVE DIRECTOR

MIKE O'CALLAGHAN
GOVERNOR

Honorable Mike O'Callaghan
Governor of Nevada
State Capitol
Carson City, Nevada 89701

Dear Governor O'Callaghan:

In compliance with the provisions of sections 23A.065 of Chapter 233A of the Nevada Revised Statutes as amended, I have the honor to submit the Report of the Indian Affairs Commission for the State of Nevada covering the period July 1, 1968, to June 30, 1972.

Respectfully submitted,

Ross Morres
Executive Director

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ROSS MORRES
EXECUTIVE DIRECTOR

MIKE O'CALLAGHAN
GOVERNOR

Honorable Governor Mike O'Callaghan
Governor of Nevada
State Capitol Building
Carson City, Nevada 89701

Dear Governor O'Callaghan:

Herein for your consideration is the Fourth Report of the Nevada Indian Affairs Commission in accordance with the Nevada Revised Statute. This report covers the administration and activities of the Commission and includes an accounting of funds for which the Commission is responsible.

The period reported herein covers activities for the past four years of operation and is a joint effort of former and present commissioners. The delay in the submission of the fourth annual report was curtailed by the termination and re-appointment of a new executive director.

It is the intent of the Commission to improve and expand such programs as provided for in the Nevada Revised Statutes to assist and enchance the economic and well being of Indian citizens of the State of Nevada.

The Commission gratefully acknowledges the support, assistance and courtesies extended the Commission by you, the Legislative body, and other State agencies in fulfilling our legislative mandate.

Recommendations for revisions to the Nevada Revised Statutes will be submitted for your consideration before the next legislative session.

Respectively submitted,

Current Commission Members

James Bender, Chairman
William Jack Woods, Vice Chairman
Ned Bortman, Secretary
Arthur Cavanaugh, Member
Albert Johns, Member
Bart Rivers, Member
Steven Walther, Member

Former Commission Members

Frank Durham, Chairman
Arthur Manning, Vice Chairman
LeRoy Rupert, Secretary
Be Davison Herrera, Member
Oscar Johnnie, Member
Phyllis Walsh, Member
Steven Walther, Member

PREFACE

The Commission on Indian Affairs for the State of Nevada, was an idea conceived by Indian thinking and given support and assistance by the Nevada State Legislature. In the short history of the Commission, Governor O'Callaghan, recognizing the problems of Indians in Nevada as well as nationally, for the first time appointed a majority of Indians to serve on this Commission.

Governments are created to serve people, and people must participate in their government or suffer the possibility of having their interests ignored or, at best, expressed by others. Indian participation is a vital part of government, and in order to encourage this participation the Indian Affairs Commission held quarterly hearings or meetings, through which Indian people could be seen one way and through which they could be heard the other way. Because the Indian people and their concerns are little understood by the majority of our citizens, the Indian Affairs Commission hopes to bridge the gap by giving expression to, or voice, the Indian expression of Indian concerns.

The problems of the Nevada Indian seek more effective services from local, county, state, and federal agencies. Changes in administrative policy or rules and regulations should be made at the state and federal or local level of operation. Should changes not be effected, it is within the perogative of the Commission who then has the responsibility to draft appropriate legislation supporting the needs and desires of the Nevada Indians, thereby removing a particular obstacle to progress.

The many Indian problems, while similar to the social and poverty problems of the migrant population and other minority groups, are unique because of the "special status" of Indian people. Historically and legally Indian people are not just like all other people. To treat an Indian equally also may be discriminating against him by ignoring his legal rights.

The Commission became aware that there were too many non-Indian, "Indian experts" who, unchallenged except by Indian people, reportedly had no contact with tribal leadership but told the world or the State what was good for Nevada Indians.

In January 1970 at the second quarterly meeting, held in Owyhee, Nevada, the Commission established as its goal a concerted effort to turn long term aspirations of Nevada Indians into solid achievements and accomplishments. It dedicated its efforts to work in unison with other agencies and organizations effectively in the cause of Indian betterment.

The goal, simply stated, is the improvement of the "well being and life style of all the Indian people of this state", and one of the policies

designed to achieve this goal is the alleviation of the social isolation of Indian people. Improvement for the Indian people can come on the individual Indian's social and physical environment which maximizes his opportunities to take advantage of these environments.

With an Indian majority serving on the Commission, the Indian people themselves can best identify their own circumstances and aspirations, and conceive the programs to benefit individual Indian lives.

An Indian report by Indians is absolutely necessary because for far too long, Indians have been misunderstood by their white neighbors. It is not surprising to us how prevalent today are old or stereotyped concepts about Indains. This Report will address itself to the Indian problems of living in a white society.

Ross Morres
Executive Director
Nevada Indian Affairs Commission

NATIONAL INDIAN POLICY

In an unprecedented message to Congress on July 8, 1970, the President of the United States renounced America's traditional Indian policy and declared that white Americans have "oppressed and brutalized Indians, deprived them of their ancestral lands and denied them the opportunity to control their own destiny". The President described American Indians as "the most deprived and isolated minority in our nation by virtually every scale of measurement", and added: "but the story of the Indian American is something more than the record of the white man's frequent aggression, broken agreements, internment, remorse, and prolonged failure. It is a record also of endurance, of survival, of adaptation and creativity in the face of overwhelming obstacles. It is a record of enormous contributions to this country -- to its arts and culture, to its strength and spirit, to its sense of history and sense of purpose".

The President announced, to the surprise of this nation's 850,000 Indians, that it is "long past time that the Indian policies of the federal government began to recognize and build upon the capacities and insights of the Indian people". He then asked Congress to pass legislation which would permit the Indians to take personal control of their own affairs and to be represented in federal courts by an independent legal council committed to defending Indian rights against federal encroachment.

The government Indian policy so decisively rejected by the current administration is, "Forced Termination". Termination was a long range goal aimed at extinguishing the historic and legal relationship existing between the federal government and Indians. Termination meant loss of the special standing under federal law and in which Indians' land are tax exempt.

It meant repudiating federal responsibility for the economic and social well being of the Tribes. Termination of such trusteeship also meant the extinction of tribal identity and forced assimilation of Indians into the majority culture.

When the President urged Congress to repudiate its own action of 1953 House concurrent resolution 108, which declared that termination was the long range goal of federal Indian policy, he was echoing a unanimous Indian demand for basic policy reform. It was a sweeping presidential gesture. The psychological impact should not be dismissed lightly. But to a million American Indians it must have sounded as if the needle had once again stuck on that ancient breach in the record. The 37th President of the United States had spoken -- as had the 36 Presidents before him. Thirty nine Secretaries of the Interior have appointed 40 Commissioners of the Bureau of Indian Affairs who have traveled the land "learning the problems" and then waited until the next president appointed a new Secretary of the Interior to appoint his new Commissioner of the Bureau of Indian Affairs to once again "learn" about the Indian problems.

Yet with the white man on the moon, the red man still awaits the fulfillment of the nineteenth century treaty promises negotiated with the Indian tribes. The Indians are aware, as the average white is not, that the President and Congress have authority only over federal Indian policy. The President may cry out against termination but he is powerless to stop the insidious forms of de facto termination being practiced daily by the states. Although subtle, these practices are threatening the very survival of this State's first citizens.

De Facto termination refers to practices that were not intentionally designed to eliminate tribal identity but which effectively accomplished that end, despite what are often innocent or even noble motives. Sometimes de facto termination disguises itself with popular slogans (SAVE OUR ENVIRONMENT,) and other in-terms of the decade such as "Intergration", "Equality", "Conservation" and Ecology". INTERGRATION may mean transporting Indian children off the reservation to a predominately white school where they lose their Indian identity and succumb to cultural rape. EQUALITY may mean forcing an individual Indian to sell his precious ancestral land allotment (thereby reducing the tribal land base) in order to qualify for state public assistance. CONSERVATION may mean the rerouting of the waters that historically have gone to the Indian tribes.

Termination, de facto, or deliberate, is wrong, said the President, because it rests on a fallacious premise. It implies that the federal government has taken on a trusteeship responsibility for Indian communities as an act of generosity toward disadvantaged people and that it can therefore discontinue this responsibility on a unilateral basis whenever it sees fit! This is not true, the President explained:

> "The unique status of Indian tribes does not rest on any premise such as this. The special relationship between Indians and the federal government is the result instead of solemn obligations which have been entered into by the United States Government. Down through the years, through written treaties and through a formal and informal agreement, our government has made specific commitments to the Indian people. For their part, the Indians have often surrendered claims to vast tracts of land and have accepted life on reservations in exchange for government provided services such as health, education, and public safety. Services that would presumedly allow Indian communities to enjoy a standard of living comparable to that of other Americans, This goal, of course, has never been achieved."

The President told Congress on July the 8th of 1970, that this nation has "turned from the question of whether the federal government has a responsibility to Indians to the question of how that responsibility can best be fulfilled." But it was an optimistic statement! The

masses of non-Indian Americans, and not exclusively those of the white race, harbor a lingering tendency to view the American Indian as a descendant of aboriginal savages who lost the Indian wars.

This has been said very eloquently by a Nevada State Senator who printed in his newspaper the following article:

> "One of the principal problems which seems to be confronting us, judging from the news, is the most distastful realization that we, at last, are apparently going to have to pay the Indians for the land we are presently occuping or else move off and go back to the old country where our roudy-doudy ancestors came from before they came over here and illegally took all this western country away from the Paiutes and Shoshones.
>
> The only choice we have, judging from the way the lawyers have phenagled this, is to pay the Indians about umpteen gillion dollars in good old negotiable wampum or else start the Indian wars all over again and finish the job we left unfinished way back yonder, which I have always suspected should have been done at the time".

The President went on to say, "that makes them conquered subjects in this view point". It's a concept that invites the erroneous description of Indian reservations as "concentration camps". Such misconceptions are based upon a pervasive ignorance of American History. It is particularly inaccurate when applied to the Indians of Nevada, most of whom reserved to themselves portions of their own ancestral lands and ceded the rest, without the coercion of war, at a time when the Indian out numbered the white man and dealt from a position of strength.

In some cases the Indians actually didn't understand what they were agreeing too. In other cases they were just too unsophisticated to comprehend the manipulative skill of the white politician. Either way the Indians lost, but they were not conquered subjects nor human plunder which fell to the white man along with his conquest of the land. The American Indain was made a full United States citizen in July 1924.

Is there legal or moral justification for permitting Indian separateness? Why should any group of Americans be treated as sort of "super citizens" and be allowed to exist as an undissolved lump withir the great American melting pot? Why should an accident of birth extend unique privileges to the descendants of those Original Americans with whom the treaties were made? Such questions gnaw at the minds of many non-Indian Americans and, unanswered, spawn attitudes of resentment that often are expressed in subtle and overt acts of discrimination.

The Indian's right to maintain their separate way of life is the basic treaty obligation of the United States towards the Indians. But the right to preserve one's identity as a people should be viewed as a basic human right. For many groups in America this freedom can be exercised without a special land base and without a special legal status, but Indians are historically place-oriented rather than job-oriented. Their identity is tied to the land and to the water that rises from or flows across their land. They feel strongly about the preservation of their land base as a precondition of their existence as a people. For more than a hundred years the Indians in Nevada had developed and maintained their separate way of life.

The Bill of Rights spells out the basic nature of our democracy and the relationship between the citizen and his government. For the American Indian, survival as an Indian is as basic as individual freedom is to the rest of the citizens of the State of Nevada. The ancestors of the Indians of Nevada forever surrendered their power to the United States in exchange for protection of their right to exist as a people. They did not bargain for, nor did the United States contract for, a training program to assimilate them into the white society. The President said, "the goal of any new national policy towards the Indian people must be to strengthen the Indian's sense of autonomy without threatening his sense of community". To live without being separated from tribal life involuntarily, must also be the Indian policy of the State of Nevada.

JURISDICTION OF THE INDIAN RESERVATIONS

The Constitution of the United States is the basic authority for the conduct of Indian Affairs. But Congress has acted capriciously in Indian Affairs throughout the years, often with disastrous results for the native American. A prime example of such capricious action by Congress is Public Law 280, passed in 1953. Congress later recognized this law was damaging to the interest of both the states and the Indians and consequently modified it. Public Law 280 delegates legislative authority over Indians to the states for those areas which had been under the exclusive authority of the federal and tribal governments.

Public Law 280 was construed by the State of Nevada as permission to impose State law and order over Indians within the boundaries of Indian reservations. The Nevada State Revised Statutes further provided, counties could petition the Governor to issue proclamations to cover only those portions of Indian land within that county for which the county would assume jurisdiction.

The failure of the various county sheriffs to be responsive to the requests by Indian people for assistance has caused misgivings; the Indian questions the sincerity of the county asking to assume jurisdiction on Indian land. Before Public Law 280, Indian Tribes on reservations had jurisdiction over all but major crimes committed within their trust territories. The federal government had jurisdiction over felonies, which are identified as the 10 major crimes. The Indian tribes had their own judges, courts, jails and programs of prevention and rehabilitation.

The State of Nevada continues its authority over Indian country as it pertains to compulsory school attendance, public assistance, domestic relations, mental illness, adoption proceedings, and juvenile delinquency. With this jurisdiction it is possible for the State to violate the intention of the United States Constitution and wipe out tribal customs.

The State may reduce or destroy traditional family control which is vital to the Indian communal way of life; abolish undocumented marriages, rendering the children of such unions illegitimate; change inheritance laws and confuse a people accustomed to simple tribal law with the sophisticated legal maze of the white man.

Counties which hire bigoted law officials and elect racially prejudiced commissioners and lawmakers can withhold law enforcement from Indian country, thus encouraging lawlessness. In almost every instance, the county government has lacked sufficient funds and personnel to enforce the laws equally in the remote rural areas where the reservations are located.

Public Law 280 has since been amended by the Civil Rights Act. States are now permitted to return jurisdiction of law and order to the tribes. The complaints of Indians about racial discrimination, inadequacies and bungling of State law enforcement efforts on the reservation are varied, serious, and often bitter. The Indians feel very strongly that in this vital area of their lives the State has invaded their privacy, violated their federally protected rights, and worse, broken its promises.

A tribal council member told the commissioners, "we're finding out we have less and less power in our law enforcement. We have to take our cases to the, justice of the peace, and we never hear of them after that. Poaching and trespassing on the reservation is costing us money all the time but the revenue from fines goes to the county. We have very inadequate police protection except right before and after election time. The county sheriff is in a city some 60 miles away. We want total jurisdiction for law and order with authority over non-Indians on the reservation."

Indians protested at the commissioners' hearing that they are not permitted by the State to arrest non-Indians who commit crimes within reservation boundaries, nor are they able to keep the fines imposed. Federal B.I.A. Indian police officers and tribal police officers who enforce law and order on Indian land must turn their prisoners over to county authorities. With the prisoners go the revenue that could help pay for tribal law and order. Cross-deputizing of tribal and B.I.A. police would eliminate many problems related to arrest.

Making tribal judges justices of the peace would help to eliminate the problem of lost revenue through fines. A few Indian policeman are deputized by county sheriffs, but this practice is not widespread in the state. The Tribal Court systems are generally not recognized as legal nor their decisions binding by the non-Indian courts of the State. Non-Indians who commit crimes on Indian lands cannot be tried by tribal courts. This means, if Indians are to enforce federal treaty rights outlawing trespassing, they must eject the trespassers bodily through physical force.

At the January 1970 Commission meeting Commissioners Steven T. Walther and Oscar Johnnie were directed to investigate the ramifications of Public Law 280 and its application on Indian country. Commissioner Oscar Johnnie's term having expired, Commissioner Steven T. Walther and his ad hoc committee on law and order are developing proposed legislation to rectify the concerns of Public Law 280. This committee will address itself to the repeal of the Nevada Revised Statute implementing Public Law 280 and implement the retrocession provisions of Public Law 90-284.

THE COMMISSION THEREFORE RECOMMENDEDS THE FOLLOWING:

That, the Legislature pass a bill outlining the procedure for retrocession. Retrocession would return to the State's Indian tribes whatever degree of law and order authority over their reservations the individual tribes agree they can assume. This legislation would include provisions for the tribe to assume full jurisdiction of law and order. Public Law 90-284 directed the Secretary of the Interior to recommend to the Congress, on or before July 1, 1968, a model code to govern the administration of justice by courts of Indian offenses on Indian reservations. This would provide the tribe with the mechanism for retention of tribal sovereignty. Public Law 90-284 permits the tribe to elect the choice of State or Federal jurisdiction.

The Legislature provide a means for Indian tribes to contract with the state, counties, or city to provide law and order services in accordance with their tribal law and order codes. This legislation would have to include provisions for State recognition of federally recognized Indian tribes and their elected tribal councils as legitimate governing bodies.

Tribal judges on Indian reservations be made justices of the peace, so they may hear cases of non-Indians who are arrested for committing crimes on Indian land. Fines imposed on both Indian and non-Indian offenders be utilized solely for reservation law and order programs.

Counties seek the special aid of the State to finance adequate law and order services in areas of the State where great tracts of county land are non-taxable because they are under federal jurisdiction and held in trust for Indians.

All law officials be required to look upon the Indian reservation as a responsibility equal to that of other areas of the county and provide equal services to this Indian country.

PUBLIC ASSISTANCE FOR NEVADA INDIANS

Problems of unemployment and the lack of an adequate economic base within the Indian community is one of the most significant hurdles for the Indians at this time. To the Indians who have expressed concerns to the Commission, State Welfare and Unemployment are high on their priorities for which assistance is needed.

Unlike the jurisdiction issues, the Indians did not ask for a return of welfare authority to the tribes, but rather, that the State take agressive action to humanize its welfare services. Staff and eligibility requirements should meet the needs of the Indian people. The Indians asked that the State take immediate steps to halt practices that violate the privacy of Indian individuals and families.

As the Executive Director visited the various reservations listening to Indians voice their grievances, and described the State's services being provided, it became apparent that there exists widely divergent attitudes towards the State's first citizens on the part of welfare directors and other social service staff.

The Inter-Tribal Council of Nevada now administers the Indian General Assistance program for Indians. The State originally had a contract between the Bureau of Indian Affairs and the Welfare Division to provide General Assistance based upon Aid to Dependent Children (ADC) standards. The basis for ADC payment is 55 per cent of the need, however, under federal law Indian General Assistance Programs must pay 100 per cent of established need; therefore, the Inter-Tribal Council entered into an agreement and contract with the Bureau of Indian Affairs to provide the service the State could not.

The Indian people described obvious needs which included food stamps, a group home for Indian children, a foster home program on the reservation, a homemaker service, and a home health aide program for all the elderly and disabled; an Indian elderly foster home program. The concept of "Out Reach" and the idea that the State was to adopt a philosophy of providing basic social services to all citizens are alien to most Nevada Indians.

Interviews revealed there are some officials within the Department of Health, Welfare and Rehabilitation who are prejudiced and have obsolete attitudes towards enlightening and informing Indian people of their rights to participate in Social Service Programs.

There are some officials who recognize there are cultural distinctions between Indians and other Welfare clients. These officials are not afraid to expound on the welfare services that Nevada Indians qualify for, but in turn are failing to get or to take advantage of because of their lack of knowledge.

The inadequate service and discriminatory application of welfare

services offered in several areas in the State also contrast sharply with the observations of a State official regarding state services. The following quotation is the rationale of the official and is indicitive of the revolutionary aspect of this philosophy:

> "It must be agreed, on the basis of the living conditions and the level of employment on the reservation, that our present service and delivery system has not met the needs of this community. The Nevada Indian client remains in his world of poverty and alienation, while a white community regretfully shakes its head, wishing it could somehow reach the Indian and improve his way of life in the manner he thinks it should be improved.
>
> The present indictments of our welfare system challenge us to be as innovative and imaginative as possible, if we are ever going to meet our responsibility for human services. Based upon our past experiences with the Nevada Indian people, we feel very strongly that the case work model traditionally associated with welfare recipients is at best ineffective with Nevada Indians. The cultural and anthropological aspects of the needs and problems of this group must be recognized. The department must listen to what the Indian people envision as their needs and their problems and act accordingly. The focus of our activities must be expanded to include the community as well as the individual."

On nearly every Indian reservation the complaint was voiced that welfare case workers and local officials do not have a clear understanding of the public assistance policy. Foster child care administered by the Department of Health, Welfare and Rehabilitation raised many serious complaints by the Indians. Others spoke movingly of the cultural rape that drove wedges between the tribes and its children when they were removed by the State from the reservation and placed in white homes"outside". The Indians need help in seeking revised legislation so that the cultural distinctions and traditions which dictate a different standard of living will be recognized as legitimate. Then there would be more Indian foster homes available right on the reservation where the transplanted Indian child could grow up with his tribal peers, attend the Indian church, participate in the tribal feast, athletic competitions, dances and rituals. He would not be torn between two cultures and lose his personal security and self concept as a worthwhile native American Indian.

The Indian tribes feel strongly that the State has no right to assume an "in loco parentis" relationship with Indian minors. They believe this relationship belongs rightfully to the elected Tribal Council.

IN THE AREA OF UNEMPLOYMENT ---

Statistics rising as high as 50% on some reservations during off-season months testify to the high degree of unemployment among the Indian people. From the information which was accumulated it would seem that the Nevada Indian has made very little progress in the areas of income and employment in the past few years.

In response to a Commission request for information regarding unemployment the Indian people have stated, "as you are probably aware, it has been extremely difficult for Indians to obtain meaningful jobs in State government."

The Career Aid Program which was initiated by the State as a means to provide minorities with employment for jobs that require specific qualification has not been utilized by department heads as an effective tool to provide employment for Indians.

One need only look at the job announcements published by the Nevada State Personnel Division. Most announcements state (1) "State Promotional Examination", (2) "Open-Statewide Departmental Promotion Examination", or (3) "Open Competive Examination". In each case, the requirements are, that the applicant either be a United States Citizen, or a non-citizen who is honorably discharged from the United States Armed Forces to be eligible to apply and/or that the applicant must be a person employed by the State in the classified service for at least six months immediately prior to the last filing date, and/or now working in the department. The latter are given preference on the eligible list.

The minimum qualifications are usually a graduate from high school and/or an accredited college or university, some experience, any where from one to four years, progressively responsible professional experience, or a masters degree may be substituted for one year of required experience, or the applicant must have equivalent education, and/or have successfully completed a recognized school for the position applied for.

About the Examination: most announcements provide that the examination will consist of an oral test, weighted 100%, to be held for the purpose of evaluating each candidates knowledge of the techniques and knowledge of current development and practices used, and/or has had the ability to assess training needs, develop programs, and evaluate results; must have the ability to supervise, and only those persons who receive a passing grade on the appitude test, will be scheduled for this oral examination.

The qualifications cited above are artificial barriers which historically have eliminated Indian applicants. The need to use the Career Aid program as a springboard to provide Indian workers in State government, and assigning supervisors with the responsibility

of developing employees to become a vital part of State government appears to be paramount. Often it is unrealistic on the part of the appointing authority to presume that an Indian applicant has the educational background, the oral communicative skills, and the knowledge for which the position requires.

When one considers the educational opportunities of Indians in the public school system of the State of Nevada, and his possibilities for achieving success in a competitive examination on the same par as applicants who have had a better educational program, the probability of success is in itself a sham.

The Indians of Nevada recognizing they have problems in employment in State government, turn to the private sector. As an applicant for jobs in the private sector the Indian is again confronted with artificial barriers such as union membership, responsible position in middle management, and his lack of experience to do the job without an opportunity of being employed, thus detering upward mobility.

The private sector utilizes Indians in the menial jobs, such as laborers and/or apprentices but seldom are they elevated to journeyman status.

The Nevada Indian, then, looks upon State government and private employers as not understanding the cultural differences, educational background, or the need for a better economic way of life; so that their children can achieve the standards enjoyed by the non-Indian community.

The Nevada Indians recognizing that these are problems over which they have no control, have again turned to the United States Government for assistance. The Economic Development Act has been utilized to some extent by the Indian tribes. In an effort to provide employment for some of their members current tribal enterprises are: There are a number of Indian owned and operated tribal enterprises on several Nevada reservations. Most familiar are the ranches on which Indian people seek a livelihood; the McDermitt Tribe, electronic firm; the Fallon-Paiute-Shoshone Tribe, plastic firm; the Goshute Tribe, trailer fabrication industry; the Moapa Indian Reservation in Southern Nevada has entered into a program for the development of their farm; the Duck Valley Indian Reservation is in the process of establishing a "Leather Goods Manufacturing Plant"; the Elko Indian Colony started an electronic assembly plant in the city of Elko. They also had developed a "fly tieing" program which, because of the lack of a marketing outlet, has failed.

The programs enumerated herein indicate the Indians in Nevada are trying to achieve self-determination by having manufacturing plants and light industry right on the reservation to provide jobs for members of their various tribal entities. This of course takes education. The resources of the Nevada State Department of Education

Vocational Branch and the Employment Security Department are being used. Programs, through the utilization of the Manpower Training and Development Act, provide training sessions for Indian people, and at the same time pay the student a stipend during the period in which he is being trained to achieve a saleable skill.

It can be said that a factor we have overlooked is "motivation" or "ambition". One quarter of all employable adults on Nevada reservations are completely unemployed and less than 2/5 have permanent jobs. Almost as many have temporary or seasonal jobs as have regular full time jobs. On some remote reservations unemployment often runs as high as 90%, in spite of this high unemployment figure for adult Indians in the State, there are the rural Indian industry which will provide meaningful employment and provide a mechanism for keeping the youth on the reservation.

What happens to the Nevada Indian when there is not enough employment on the reservation? He leaves the reservation and seeks employment as an urban Indian and thus divests himself of any further federal services from the Bureau of Indian Affairs, and federally funded State programs.

The Indian is now an urban Indian and must become acculturated into the dominant society and scratch, tooth and toenail, on the job market with all other citizens on a competitive basis to determine whether or not he can make it. When he finds out he can make it, and he is providing some sort of livelihood for himself and his family, then the Indian is no longer recognized as being an Indian.

The Federal Government is the trustee of American Indian land, but it doesn't mean the Government feeds, clothes, houses, educates, trains, marries, buries, and salaries the Nevada Indian. Contrary to popular belief, Indians are not paid a monthly stipend by the Government simply because they are Indians. "Per capita payments", which Indians sometimes receive are from sales of tribally owned resources, cattle, or from legal claims won by the Indians for invasions on their treaty rights, or from the leasing of tribal lands to the white rancher. They are actually dividends voted to members from the earnings of what amounts to a tribal corporation.

The State is supposed to educate the Indians because the Federal Government pays the State to carry out this federal responsibility promised in the treaties. The federal government provides the State with federal impact funds and with special Johnson O'Malley Indian education funds in lieu of those real estate taxes which are collected to pay for education from non-Indians. Keeping in mind, of course, that public education is not supported exclusively from real property taxes.

What then, is the plight of the urban Indian who just a short time ago was a reservation Indian? He pays taxes, as do other citizens of the State, for a home he may be purchasing and as all Indians do whether he be reservation or urban he pays State taxes on the clothing, automobiles, or appliances he buys, just as non-Indians do, except when he buys those items on federal trust land.

Many Indians feel strongly they should not be taxed by the State, because they say, "they are wards of the Federal Government", and the State does not have a legitimate right to impose its laws on them. Whether Indians agree with the requirement or not, they do pay almost all State taxes and are, therefore, not the "super citizens" above the law that many non-Indians believe them to be.

In these times of financial crisis for state and local government, tax collectors are hard pressed to develop new sources of revenue. Indian Tribes are becoming apprehensive that the State will try to find ways to tax their lands and property. The threat is grave: Taxation for poor people ultimately means the loss of property, if they can not pay the tax, and Indians are, with rare exception, poor. Tribes are now just beginning to experience economic development and to acquire the capital assets which they have long lacked.

It has been pointed out the urban Indians are subject to all State taxes off their reservations. On the reservation, however, the applicability of State taxes is restricted by federal law. Felix Cohen, the foremost authority on Indian law, stated,

> "To the extent that Indians and Indian property within an Indian reservation are not subject to State laws, they are not subject to State Tax Laws."

Attached hereto are the Fall 1972 Population and Income Information of the Nevada Indian Tribes as published by the NEVADA INDIAN AGENCY, Bureau of Indian Affairs, Department of the Interior, Stewart, Nevada.

POPULATION AND INCOME INFORMATION

NEVADA INDIAN AGENCY-FALL 1972

Reservation or Colony	Indian Resident Population	Labor Force Male & Female	Rate of Unemployment	Annual Per Capita Income	Annual Family Income
Battle Mountain Colony and City	169	25	16%	1000.	4800
Duck Valley Reservation	967	297	36%	600.	2800.
Duck Water Reservation	80	23	69%	700.	3400.
Ely Colony	112	35	26%	600.	3000.
Fallon Reservation and Colony	224	71	28%	700	3600.
Ft. McDermitt Reservation	407	91	44%	700.	3900.
Goshute Reservation	73	25	28%	400.	2100.
Las Vegas Colony	87	41	50%	700.	3000.
Lovelock Colony and City	118	41	12%	1230.	5600.
Moapa Reservation	137	56	46%	600.	2900.
Pyramid Lake Reservation	402	119	40%	850.	4250.
Reno-Sparks Colony	541	133	14%	1260.	6190.
Summit Lake Reservation	0	0	0	0	0
Walker River Reservation	452	183	13%	1200.	5000.
Winnemucca Colony	31	11	0%	1600.	4460.
TE-MOAK BANDS OF WESTERN SHOSHONE					
Elko Colony & City	327	50	47%	800.	4500.
South Fork Reservation	90	29	13%	770.	2700.

WASHOE TRIBE-NEVADA AND CALIFORNIA

Carson City Colony	171	59	45%	1082.	5000.
Dresslerville Colony	191	65	40%	680.	5000.
Woodfords California	127	44	50%	1340.	5313.
Yerington Reservation and Colony	275	85	40%	1360.	6700.
Yomba Reservation	48	19	48%	800.	3000.
Totals and Averages	5029	1502	32%	903.	4153.

THE COMMISSION THEREFORE RECOMMENDS THE FOLLOWING:

That serious consideration be given to reviewing current rules, regulations, and administrative policies of the Department of Health, Welfare and Rehabilitation as they relate to social services, and the delivery system employed for the Nevada Indians.

Personnel assigned duties as case workers take a serious look at their jobs and evaluate the needs of the Nevada Indian recipient.

Supervisors ascertain if responsible individuals are informing the Nevada Indian of his entitlements and are listening to what the Indians perceive as a need as a people, rather than what is contained in policies.

The Commission recommends the State Personnel Board make an in depth study of the hiring practices of State agencies.

The Legislature initiate some controls for checks and balances to insure personal accountability of department heads and supervisors, whenever violations of the Civil Rights Act exists. We feel strongly that the Nevada Indian is not given his fair chance at equal opportunity for employment.

EDUCATION AND THE NEVADA INDIAN

In the State of Nevada there is not one truly all Indian school. At Stewart, Nevada, south of Carson City there is a Federal Boarding School administered by the Bureau of Indian Affairs which does not have a setting of the traditional American Indian.

A report, published by the Far West Laboratory for Educational Research and Development entitled, "Who Should Control Indian Education", addressed itself to ten sites which included the Stewart Indian School located in Carson City, Nevada. The report stated that Stewart is a striking example of what is wrong with education for Indian children in the United States. This report, as other reports, divulged the same information. The tragedy of schools is that no one individual is responsible, and yet, everyone involved contributes to its failure.

The Indian Affairs Commission in trying to assist the educational process of Indian students in the State of Nevada is represented on the following educational boards:

(1) The Nevada Advisory Board to the Far West Laboratory for Education Research and Development, University of Nevada Reno;

(2) The Nevada Advisory Board to the College of Education, University of Nevada Reno;

(3) The Nevada Advisory Board to the Western Nevada Community College, Carson City, Nevada;

(4) The Nevada Council on Libraries, to the Nevada State Library, Carson City, Nevada;

(5) The Governor's Interstate Indian Council, on a National level;

(6) The National Indian Education Association;

(7) Representation with the various Johnson O'Malley Indian Education Committees at each Tribal Council.

The Nevada Indian parent has continually expressed to the Commission that the Nevada State Department of Education should develop a specialized Indian curriculum and Indian-oriented teaching methods, with representation on the various school district school boards which hire and fire the faculty for that school.

When contrasting the educational needs of Indian children who are processed with the white, middle class system of the schools of this State, it clearly demonstrates that it is a white school system and does not lend itself to Indian thinking. As a result, most schools have a consistent record of programming Indian children to failure, although, a few have taken steps towards change. Nevada schools are clearly white oriented

with no thought given to the fact children from different cultures are attending. The children are given no consideration but are expected to conform or suffer the consequences. Thus, black, oriental, spanish speaking, and the American Indian children suffer.

An Indian mother, told the Commission, "I don't know how you would take it if you were processed through an Indian life the way our Indian children are processed to the white man's culture and education. They are trying to turn us into the white man's ways. An Indian must first learn about himself".

To help the Nevada Indian child "learn about themselves", the Moapa Tribe requested the authority to contract with the Bureau of Indian Affairs to administer a Summer School Program to meet the needs of Indian Education.

The Las Vegas Band of Paiutes' Tribal Council and the Moapa Tribal Business Council, Moapa Indian Reservation, were particularly interested in working with the Commission to develop a program for their children.

The Tribal Business Council felt that some efforts could be made to improve the student's reading and math training. Therefore, a meeting was held to discuss possible programs for elementary students to improve their reading and math training.

A request was directed to the Commission from the Moapa Business Council concerning Indian Students' problems at the Overton School. Among the problems were students being placed in special education classes, which parents did not think was necessary; problems of discipline, and lack of knowledge of school programs on the part of the parents.

A former commissioner on the Indian Affairs Commission, Mrs. Bea Davison Herrera, was very instrumental in working with the Indian Tribes of Southern Nevada and Dr. Thomas Cassesse at the University of Nevada Las Vegas to implement the Summer School Program.

A program entitled the "Southern Paiute Summer Education Program" was developed. This program, carried out during the summer of 1970, from June through July - five and one-half weeks, basically provided all children from the Las Vegas Colony and Moapa Reservation entering grades 1 - 7 the opportunity to go and stay at the University for this period and receive special training in reading and math in the morning. Afternoons and evenings were devoted to recreational activities. Thirty children and ten parents were involved in the program.

The importance of this program is that not only did it effectively raise the reading and math levels of the students involved, but during the planning time of December to June, 1970, the Tribal Councils appointed Advisory Committee Members from the Las Vegas and Moapa Tribes to work with Dr. Cassesse and the Indian Affairs Commission to develop the program. Parents were asked to discuss the idea with all tribal members.

There was a great deal of participation on the part of parents, both mothers and fathers. The teen-agers were requested for their opinion, and they became recreation and teacher aides during the program.

It was suggested by the Moapa Business Council that the program have Indian teachers. Therefore, three Indian teachers under the direction of Dr. Cassesse were responsible for the program. The Advisory Council participated in the financial planning, which involved three agencies; the Nevada State Department of Public Instruction, Federal Relations Branch; the Clark County School District; and the University of Nevada, Las Vegas. These three agencies for the first time, cooperated in developing an Indian program. The Program was funded by Johnson O'Malley funds, administered by the State Department of Public Instruction, contracted to the Clark County School District and sub-contracted with the University of Nevada, Las Vegas.

This first activity of the Ad Hoc Committee on Public Education of the Indian Affairs Commission was a successful pilot program with great potential for education of Indian people in the State of Nevada. The program had four main points: (1) It was conceived and implemented through and by Indian people on the Moapa Reservation and Las Vegas Colony. (2) The program was cooperatively carried out by three State Agencies, i.e., the Clark County School District, the State Department of Public Instruction and the University of Nevada, Las Vegas. (3) There was direct participation at all times, with suggestions and participation in budgetary planning by Indian people. (4) The program was conceived, developed, funded, and then in June of 1970 carried out. It reflects the progressive need for Indians to become involved in their own education. (Copies of the report of the Moapa Summer School Program have been published for its achievements of the Summer of 1970)

A subsequent proposal for a Summer School Program to be conducted at the Job Corp Camp in Carson City in the Summer of 1971 on a Statewide basis was doomed to failure. Why? Lack of funds? No! It would appear that the proposal did not meet the guidelines issued by the Department of Education, although the Department of Education has the expertise and the technical know how to lend assistance to the Indian tribes to write up proposals to insure their success. Both Mrs. Herrera and Dr. Cassesse recognized that it requires more than six grades of elementary educational preparation to equip an Indian child for survival in the highly competitive abstract world of the white high school.

There is a vocabulary deficit because the Indian community is isolated. Many Indian children live in homes that house three generations and usually the grandparents still speak the native language. This is especially true among the Paiutes. Although the children speak English, it is often an adaptation of the language and ingrained forms of Indian grammar and structure must be understood before new language forms can be taught.

Recognizing this cultural difference, Chairman Frank Durham appointed Commissioner Leroy Rupert to head an Indian Education Sub-committee within the Commission. He was ably assisted by Commissioners Bea Davison Herrera and Arthur Manning, the current Tribal Chairman of the Duck Valley Indian Reservation.

The sub-committee on education had a two thrust purpose: (1) focus its attention on the Federal Boarding School at Stewart, Nevada and, (2) review the educational programs provided by the Public Schools in the State of Nevada.

Commissioner Rupert chaired the Committee that created the first Student-Parent Advisory Seminar at the Job Corp Camp at Clear Creek in the summer 1970. The results of that Parent-Student Council Seminar made some salient recommendations to the Area Director in the Phoenix Office for the Bureau of Indian Affairs. The Director of Education at the Federal Boarding School at Stewart, Nevada, has implemented a number of the recommendations made by this group. As a result, the Federal Boarding School has evolved into a unit more responsive to the needs of the Indian student population.

Chairman Durham and Commissioner Rupert served on the interim school board for the Stewart school to provide input to the Phoenix Area School Board administering the three Federal Boarding Schools within the Phoenix area.

Commissioner Herrera was delegated the responsibility to create an Ad Hoc Committee for reviewing the allocation and distribution of the Johnson O'Malley funds within the public schools in the State. The committee was very active in developing a questionnaire and getting responses from school libraries to ascertain the type of Indian books available in school libraries.

The Ad Hoc Committee also endeavored to publish a booklet entitled, "There's an Indian in Your Classroom". This booklet would be a guide for teachers. Unfortunately, this booklet is still a tentative goal of the commission and as of this date has not achieved the fruits of the labors that have gone into it.

In many tribes, for an Indian child to show curiosity before an adult, is thought to be rude. Yet, the entire motivation in the white classroom is curiosity. The teacher hopes to elicit questions. The Indian

child often fails to respond to this teaching technique. At home he learns not to question adults, he may find it humorous or be embarrassed for the teacher who certainly should have known the answer to such an easy question. This silence is misinterpreted by the well meaning teacher.

Indian parents have cited incidents of their children in class who pretended they did not know the answer in order to share in the failure of one among them who was asked and couldn't supply the correct answer. When an Indian child is put on the spot, often his peers will close ranks around him to save his self esteem.

The Indians have security within their own society and when they are forced into the mainstream they may feel very uncomfortable and withdraw to protect themselves. They find the public school system is structured and designed to make of them something other than Indian. They may be there physically, but they withdraw from participation and ultimately drop out.

A study made by Commissioner Rupert and his Ad Hoc committee indicated an Indian student dropout rate from the public schools of 38.5%, an appalling figure when the most menial job requires a high school education.

Too few Indian students go on to college, and those who do dropout at an even higher rate than that of the secondary level. The Indian student drops out at the point when he sees his education is not relevant to what he sees as his role in life on the reservation, and when he realizes that he is not functioning on a par with his white peers. The Indian student has come to the realization that, for reasons he doesn't understand, he can't seem to compete successfully with the white kids, and he withdraws from school. The dropout pattern shows clearly that the Indian student has become disillusioned by the time he is a high school sophomore.

The question then is, WHY?

Some Indian children have been placed in one of Nevada's many "special education" classes which, despite the euphemisms applied to them, all carry the stigma associated with what the kids themselves call "classes for dumb kids". The Commission has heard about cases in the State where children with cultural and language handicaps were placed with retarded students and treated as though they couldn't learn. Other schools have set up special classes on the continuous progress concept, but invariably the special classes are regarded by the slower student as socially degrading. Tribal leaders have protested that remedial courses often are ineffective and haven't proven their value. An Indian spokesman called for preventive educational programs that would eliminate the need for "bonehead English" and other special education classes which label their children as slow learners.

The Indians ask for teacher training programs that will turn out educators who understand and can relate to Indian children. The Commission through its representation on the Nevada Advisory Board to the College of Education, recognized that the teacher-training institutions are not turning out teachers who are adequately educated in sociology, anthropology and history from the Indian view point. It was recommended to the College of Education that aspiring student teachers visit the Indian community in order to understand the life style and environment of the student attending the public schools. These visits would assist the student teacher to understand that there is a need for adequate light, heat, study area, number of children in the family, and/or the health care, and the health condition of the student, the need for glasses, and the ability of the parents to motivate the child are significant to the learning ability of the Indian student.

Another request made repeatedly to the Commission was for support of the Indian desire to by-pass the State Department of Education in obtaining Federal Johnson O'Malley funds for their local schools. The Johnson O'Malley funds are those monies paid to the states for the purpose of enhancing the public school education of Indian children.

A publication of the N.A.A.C.P., Legal Defense and Educational Fund, Inc., entitled "An Even Chance" reflects a report on Federal funds for Indian children in public schools. This study was a very special venture for the Legal Defense and Educational Fund so that they may perceive a working relationship with Indian citizens and deepen their understanding of what equal educational opportunity means to the first Americans. The report covered state and local officials of 60 school districts in eight states. Officials in the Bureau of Indian Affairs and the Office of Education were also interviewed.

The public schools of the State of Nevada also receive Federal impact funds, in lieu of property tax revenue, receiveable if Indian land could be taxed by the local government, when they service Indian reservations and trust land. The funds are then disbursed to the superintendents of the school districts which serve Indian children. In some school districts the school superintendent, school board, and principal determine, usually without any Indian parental input how the funds will be used. The Indian people have stated in some cases, not even these people are involved, but the decision is made solely by the Department of Education.

The Indians have cited many instances in which their children do not benefit as much from these special federal Indian funds as do non-Indian public school children. They demand a voice in the use of these funds. This desire is so uniform among Indian tribes across

the nation that a special bill asking that the law permit tribal councils to receive funds directly has been passed as Public Law 92-318.

The Commission has concerns that Indian students further their education in the higher educational institutions. Former Commissioner Phyllis Walsh was very instrumental with the American Women's Voluntary Services in providing a scholarship program for Indian students. Some graduates of McDermitt High School were recipients of this scholarship program.

THE COMMISSION THEREFORE RECOMMENDS THE FOLLOWING:

The State Superintendent of Public Instruction order the preparation of course curricula for the public schools, subject to Indian involvement and review, which is revised to present a fair, full, and honest treatment of the Indian role in the ceding of the lands of the State of Nevada as well as other aspects of State history. The curricula should afford recognition of Indian contributions to the arts and culture of this State and most importantly give all students an understanding of the legal position and rights of Indians today, including their special relationships to state and federal governments.

Whenever an Indian tribe desires to be the agency to administer Johnson O'Malley Funds, the State contract directly with Indian Tribal Councils to administer such funds.

Citizens support a call for an independent, preferably Indian, study of the causes and extent of Indian student dropouts at elementary, secondary, and post secondary levels so that an Indian-designed program to solve this severe problem may be drawn up for widespread use by all school districts, interested parties, and institutions of higher learning.

The State Department of Education introduce public school children of all races to Indian culture and arts through Indian teachers. Such native teachers should not be required to have high level degrees which, earned in the white educational system, tend to rob the Indian of his ethnic identity.

The State Superintendent of Public Instruction and the State Board of Education authorize academic credit for curriculum in contemporary Indian government, Indian history, Indian culture, and the three dominant Indian languages of the Indians of the State of Nevada, the Paiute, Shoshone, and Washoe.

The public schools on or near Indian reservations introduce into their curricula the teaching of tribal law and government, an aspect of social studies highly relevant to the development and retention of Indian youth on the reservation.

The expansion of existing vocational educational programs into the elementary grades and the introduction of courses that are directly related to work Indians perform on reservations. We also recommend that school counselors, Indians preferred, be trained to raise the career sights of those they advise so more Indian youth will be motivated to obtain a college education. Schools employ a greater number of community aides from the Indian communities and more career-ladder opportunities be created, including certification of these para-professionals.

Nevada teachers as well as all counselors in the public schools of

the State of Nevada be required as a condition of continuous employment to participate in in-service training and complete courses in Indian culture and heritage, in order to provide them with the proper background to understand and appreciate the unique role of the Indian in the white oriented society of today.

CONCLUSION: YOU AND THE NEVADA INDIAN

All those who read this Report, should be able to look at the Nevada Indians with a new perspective. We believe the reader should be free to modify his own image from the facts and situations presented here. No attempt will be made to summarize what may hamper that individual freedom. Therefore, in its place, we offer a few hints to provide more effective action.

Perhaps a few words of caution are in order. Emotions among non-Indian readers of this report may run high. The reader may feel compelled to "do something" for the Indian. This would be a common--and hoped for--reaction.

Here are some of our suggestions of what <u>not</u> to do:

1. Do not pity the poor Indian. He does not need your pity; he needs your help.

2. Do not promise Utopia. He has listened to white promises for more than two hundred years.

3. Do not rush out to "study the Indian". Amateur anthropologists can be of no help.

There are several things that you <u>can</u> do:

1. Consider the Indian point of view before taking action.

2. Recognize the fact that Indians are <u>individuals</u>.

3. Learn to know the Indian governments and organizations in your area.

4. Work <u>with</u> Indian people, not <u>for</u> them.

5. Request that your legislators give careful consideration to this report.

In the area of the legislators this final point also deserves elaboration. Many of the recommendations made in this report require legislative action. But many Tribal leaders do not have the resources and the time away from earning a living to come to Carson City during a legislative session or to travel around the State contacting legislators between sessions. There is no "Indian committee" upon whom Indian leaders can concentrate their efforts to block some legislation and champion what they would initiate. Few legislators come from districts with large numbers of Indian voters; consequently, when they are barraged with many other concerns--perhaps your primary concern--they find it difficult to take the time to get to know the Indian view well enough to take a stand on "Indian issues". Your assistance in contacting legislators and letting them know your interest in Indian problems may help more than any other action you may take.